

**MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE CITY OF WORCESTER**

June 18, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Planning Board Members Present: John Shea, Chair
Scott Cashman
Anne O'Connor
Margaret Guzman
Nicole Xifaras Parella

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Russ Adams, Department of Public Works and Parks
Jody Kennedy-Valade, Department of Code Enforcement
Michael Traynor, Law Department
Jennifer Healey, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 6:00 PM.

The Board congratulated Lara Bold on her promotion to the Chief Planner position in the Planning and Regulatory Services Office.

APPROVAL OF MINUTES

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 3-0 to approve the minutes of the May 21, 2008 meeting (Nicole Xifaras Parella and Scott Cashman were not present at that meeting).

Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to approve the minutes of the June 4, 2008 meeting (Nicole Xifaras Parella was not present at that meeting).

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

- 1. 2 Barnstable Road (PB-2008-044) – Amendment to Definitive Site Plan:** Donald Bray, on behalf of Stephen Hopkins, requested a continuance to September 17, 2008 and an extension of the deadline for constructive grant to September 18, 2008. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to extend the deadline for constructive grant to September 18, 2008 and to continue the item to September 17, 2008.

UNFINISHED BUSINESS

2. **128 Alvarado Avenue (PB-2008-033) – Definitive Subdivision:** Anne O'Connor recused herself. Hossein Haghanizadeh explained the plan included only the road for the four-lot subdivision and that they would come back for site plan approval at a later date. He said the detention pond was three times the required size and only one-third of the capacity by volume will be utilized. He indicated the following waivers from the Subdivision Regulations are requested: waiver from sidewalk requirement and waiver from the vertical curve site distances. He stated that pre-development water flow and post-development water flow are expected to equal each other. Chair Shea asked what a downstream defender as noted on the plan was. Mr. Adams responded that it was a brand name for a water quality unit. Mr. Adams informed the Board that the plan shows that stormwater flow volume and rates will be mitigated to the satisfaction of Department of Public Works and Parks requirements. He said the issues expressed in the Department of Public Works and Parks letter dated May 18, 2008 had been addressed by the revised plan. He also noted that the two requested waivers were acceptable. Mr. Adams then addressed some issues from an email to staff sent by Joseph Charpentier, an abutter. He said the detention pond is the minimum size it can be given the engineering involved. He noted that a swale is not necessary. He said the outlet for the detention pond is acceptable because it is not designed to be a retention pond. He said rip rap will be added to the bottom of the detention pond and a six-foot fence will be installed around it and noted on the plan. Mr. Adams also stated that the plan accurately depicts what is out in the field. Ms. Bold informed the Board that the property ownership had changed and the application, as well as the plan, have been amended to provide the correct ownership. Joe Boynton, representing the Charpentiers, said they were concerned that a mature shade tree north of their driveway in the private portion of Alvarado Avenue would be removed. Mr. Haghanizadeh said if it is in the right of way, it will have to be removed. Mr. Boynton said the Charpentiers would like the tree replaced with a sugar maple, 4" in caliper and 4' in height. Mr. Boynton also asked about the street lamp design and Mr. Adams indicated that it would be the standard street lamp provided by Massachusetts Electric. Mr. Boynton then said the dead end road would be extended more than 500 feet. Mr. Traynor said the lots are exempt from this provision of the Subdivision Regulations since they appear on a plan that predates the Subdivision Control Law rendering the provision inapplicable. Mr. Boynton respectfully disagreed saying the Planning Board had removed this section from the Official Map. Mr. Charpentier said he was still concerned about the oversized detention pond. Mr. Adams reiterated that the detention pond was designed properly and the Department of Public Works and Parks is satisfied with the design. Mr. Charpentier then expressed opposition to waiving the sidewalk requirement. Mr. Cashman said he would normally not be in favor of the sidewalk waiver but in this case he doesn't believe they are necessary because of the size of the subdivision and because there are no existing sidewalks on current streets in the area. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to waive the following requirements of the City of Worcester Subdivision Regulations:

- **Waiver from Section X, F1 – waiver from the sidewalk requirement.**
- **Waiver from Section IX, E.3 – waiver from this section relating to vertical curve site distances.**

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Definitive Subdivision Plan with the following conditions:

- **That revised plan shows an existing mature tree north of the abutter Joseph Charpentier’s driveway. If it is to be removed it be replaced with a sugar maple, 4” in caliper and 4’ in height.**
- **That the applicant provide an acceptable stormwater mitigation device outside of the right of way.**
- **That the applicant provide an outlet control structure with emergency spillway and use 15” PCP for the pipe exiting the outlet control structure.**
- **That the pipe sizes on the plan be labeled.**
- **That the structure label be corrected to read “single-family semi-detached dwelling” instead of “two-family dwelling”.**
- **That a corrected locus plan showing Coburn Avenue instead of Agate Avenue be provided.**
- **That a six-foot vinyl-coated chain link fence with arborvitae or another dense landscape screening species be shown on the plan around the detention pond.**
- **That rip rap be added to the bottom of the detention plan and shown on the plan.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan and a new mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**
- **Pursuant to City of Worcester Subdivision Regulations Section VI (1)(2), the approval or conditional approval of the subdivision shall automatically expire within three years from the date of June 18, 2008 on June 18, 2011 if all required improvements have not been completed.**

3. Meadowbrook Road (PB-2008-022) – Amendment to Definitive Subdivision: Item #4 Meadowbrook Road (PB-2008-046) was taken contemporaneously. Robert O’Neil and Attorney Jonathan Finkelstein presented the plan to amend the previously approved plan by reducing the site and reconfiguring the cul-de-sac bulb and roadway and waiving Section VI(1) of the Subdivision Regulations by establishing a new sunset date. Mr. Fontane thanked the applicant for a collaborative effort to reconfigure the plan in a manner satisfactory to the Department of Public Works and Parks and other staff. Mr. Cashman asked how long the road would be and Mr. O’Neil answered that it would be 1500 feet from South Flag Street. He said a turn around for emergency vehicles and snow plows will be provided. He noted the plan is better than the plan previously approved by the Planning Board. Upon a motion

by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to close the hearings. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the following waivers from the Subdivision Regulations:

- **Waiver of Section X, D6 to allow the width of the cul-de-sac right of way to be 80 feet**
- **Waiver of Section X, D5 to allow the traveled way pavement diameter to be 60 feet**
- **Waiver of Section X, F1 to eliminate the sidewalk requirement**
- **Waiver of Section IX, C6 to allow a 20-foot radius at connection to existing Meadowbrook Road**
- **Waiver of Section IX, C8 to allow road length to exceed 500 feet**

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Amendments to Definitive Subdivision with the following conditions:

- **That the applicant provide the locations of the proposed infrastructure in accordance with the City of Worcester Standards on the plan.**
- **That the applicant provide a note on the plan indicating the total area of the subdivision and total wetland areas.**
- **That Lot 3B-1R does not show sufficient frontage to allow for development and should be labeled as an unbuildable lot.**
- **That the location of proposed street lights and street signs if any be noted on the plan.**
- **That the location and species of proposed street trees be noted on the plan.**
- **That wooded areas to be retained be shown on the plan.**
- **That existing and proposed contours be provided.**
- **That an updated profile of the proposed street to the satisfaction of the Department of Public Works and Parks be provided.**
- **That a locus map be provided.**
- **That the following statement be added to the plan:**

“The applicant will provide, at no cost to the City, all facilities shown on the plan including but not limited to roadways, curbs, bounds, drainage systems, sanitary systems, utilities, street lights and earthworks, except as otherwise noted.”

- **That all utilities be shown on the plan. All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

- **Six copies of the revised plan and a new mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

And to approve the Amendment to Definitive Subdivision to the original conditions of approval for the above referenced subdivision under M.G.L. c. 41 §81W by waiving Section VI(1)(2) of the Worcester Subdivision Regulations to establish a new sunset date of February 28, 2010.

4. See #3.

5. **19 Hemans Street (PB-2008-043) – Extension of Time – Definitive Site Plan:** Patrick Healey, representative for the applicant, said the applicant is seeking an extension of time for construction commencement for 72 dwelling units in a multi-family high rise that will expire on July 18, 2008. Mr. Healey stated that construction had not begun because of market conditions. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the extension of time for a period of one year to July 18, 2009.

6. **6 Tihonet Street (PB-2008-045) – Definitive Site Plan:** Ben Clark, representative for the applicant, said the application requests approval to construct a single-family detached dwelling with a two-car garage on property with 15% or more slope. Andrew Allain, an abutter, asked if construction vehicles could gain access to the site by means of Copperfield Road then down Tihonet Street and not use Firglade Street. He was also concerned about drainage and runoff. Mr. Clark said there would be hay bales and silt fence during construction. Chair Shea advised Mr. Allain to contact Code Enforcement should the hay bales and silt fence be breached. Mr. Allain then asked if there would be a retaining wall. Mr. Adams said there would be dry wells for the roof runoff at the northwest corner of the proposed dwelling with the overflow to connect into the Tihonet Street drainage system. He also said the plan should show a double row of hay bales. Mr. Allain then requested some screening along the west side of the property. Sarah Ireland, an abutter, said there was an issue with the water main on Tihonet Street and the road was rutted and difficult to transverse. Mr. Adams said the construction of the single-family dwelling will not exacerbate the current conditions. Ms. Bold enumerated some labeling issues that needed to be addressed on a revised plan. Mr. Adams said the drops from the proposed sanitary connection must be removed from the plan. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **That dry wells for the roof runoff at the northwest corner of the proposed dwelling with the overflow connecting into the Tihonet Street drainage system be shown on the plan.**
- **That the plan be labeled Definitive Site Plan.**
- **That the legal address of the property per the Assessor's records (6 Tihonet Street) be labeled on the plan.**
- **That Lev Simkhovich be labeled as the owner and applicant in the title block.**
- **That deed references, specifically reference to ANR plan signed on 9/17/07 creating the lot, be noted on the plan.**
- **That a zoning analysis summary in a table indicating zoning requirements and proposed setbacks be provided.**

- That any trees in excess of 9” in diameter and whether they will remain on the site be labeled on the plan.
- That square footage of proposed buildings be labeled on the plan.
- That use of the proposed building be labeled.
- That the height in stories and feet of the proposed building be labeled.
- That the floor area ratio of the proposed building be labeled.
- That the total floor area of the proposed building be labeled.
- That the size of dwelling units be labeled.
- That the number of bedrooms be labeled.
- That the dimensions and construction materials of the proposed driveway be labeled.
- That the two-car garage be labeled.
- That six-foot Dark American arbor vitae, planted 4’ on center, be planted along the west side of the property.
- That construction vehicles gain access to the site by means of Copperfield Road then down Tihonet Street and be prohibited from using Firglade Street.
- That drops from proposed sanitary connection be removed from plan.
- That the plan show a double row of hay bales.
- That all utilities be shown on the plan. All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including a double row of hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.
- Six copies of the revised plan and a new mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.

OTHER BUSINESS

7. APPROVAL NOT REQUIRED (ANR) PLANS:

1. **AN-2008-040:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR # AN-2008-040 Ockway/Pine Hill/Pocasset Streets.
2. **AN-2008-041:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR # AN-2008-041 Granite Street.
3. **AN-2008-042:** Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # AN-2008-042 Austin Street.
4. **AN-2008-044:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR # AN-2008-044 Rydberg Terrace.
5. **AN-2008-045:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to deny endorsement because it was determined that the way did not

have sufficient grades and adequate construction to provide for the needs of vehicular traffic.

5. **AN-2008-046:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR # AN-2008-046 Glezen Street.
 6. **AN-2008-047:** This plan was held until July 16, 2008 because the Board did not view the site.
 7. **AN-2008-048:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # AN-2008-048 Blaine Avenue.
 8. **AN-2008-049:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR # AN-2008-049 Clay/Caro Streets.
8. **425 Salisbury Street – Reconsideration Request – Definitive Site Plan:** Attorney Gary Brackett, representing Frank Fiorillo, Nicholas Fiorillo and Tracey Krowell, residents of 425B Salisbury Street, requested the Board reconsider its vote on June 4, 2008 to approve the Definitive Site Plan. Mr. Brackett maintained that staff had advised him the matter would be continued on June 4, 2008 so he and his clients did not attend the meeting. Mr. Cashman asked if the Board could legally reconsider the matter. Mr. Traynor advised the Board has no legal authority to require the applicant to come back to the Board. He added that the Board had not acted on the site plan when staff gave erroneous information and the abutters could have come to the meeting on June 4, 2008. He said there is no legal basis for the matter to be reconsidered. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to deny the request for reconsideration.
9. **Winifred Avenue Extension (Ellis Woods) – Bond Release:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to release the bond in its entirety because all work has been completed to the satisfaction of the Department of Public Works and Parks.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:55 PM.